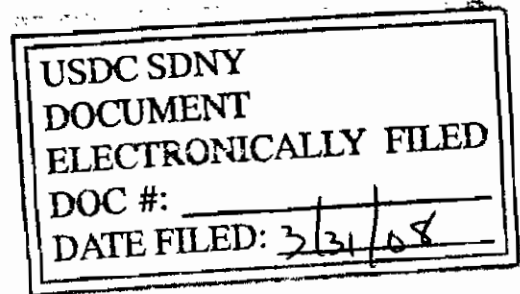


**MEMO ENDORSED**

JOAN M. MARKEY  
ATTORNEY AT LAW  
404 PARK AVENUE SOUTH 16<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10016  
212-725-6288(PHONE) 212-689-3315(FAX)

March 27, 2008

Hon. Denise L. Cote  
United States District Judge  
United State Courthouse  
500 Pearl Street—Room 1040  
New York, New York 1007



Re: AVGraphics, Inc. et al. v. NYSE Group, Inc. et al.  
07 CIV 8430 (SDNY)  
08 Cc:(DLC)

Dear Judge Cote:

I represent defendants Dana Gregoretti and Anthony E. Wilson ("Wilson") in the above-captioned matter.

The due date for them to answer or otherwise move against the First Amended Complaint in this action has been adjourned once by stipulation so ordered by the Court on March 11, 2008. The current due date is April 1, 2008. (See Docket number 25 ).

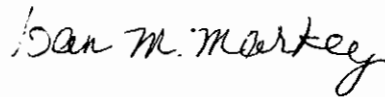
Defendant E-Trade Securities, LLC (E-Trade) has filed a motion to dismiss this matter pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction. (Docket Nos. 19,20). Plaintiffs' counsel has submitted an affirmation in response to that motion in which she concedes that there is neither a federal claim nor complete diversity among the parties. (Docket No. 27) Thus, it seems probable that the Court will dismiss the First Amended Complaint herein.

In these circumstances, I respectfully request that the time for defendants Dana Gregoretti and Wilson to answer or otherwise move with respect to the first amended complaint be adjourned sine die, as it has been for other defendants in this matter. (Docket No. 24.) I telephoned plaintiffs' counsel on March 20 and March 27, 2008 to

ask their consent to this request, but have not been able to reach either Ms. Cronin or Mr. Avallone.

To reiterate, on behalf of defendants Dana Gregoretti and Anthony Wilson, I request that the time for them to answer or otherwise move against the First Amended Complaint be adjourned sine die.

Respectfully submitted,



Joan M. Markey

Cc: Linda M. Cronin, Cronin & Byczek, LLP  
Attorney for Plaintiffs  
(via email and regular mail)

Douglas Paul Lobel, Cooley Godward, LLP  
Attorney for Defendant E-Trade  
(via email and regular mail)

David S. Smith, Esq.  
Attorney for Defendants NYSE Group, Inc., John Gregoretti, Tony Walenty, Sam Coccozza, Margaret Deb Tutwiler, and John Thain  
(via email and regular mail)

*This action was dismissed  
on March 28.*

*Yvonne Cole  
March 31, 2008*